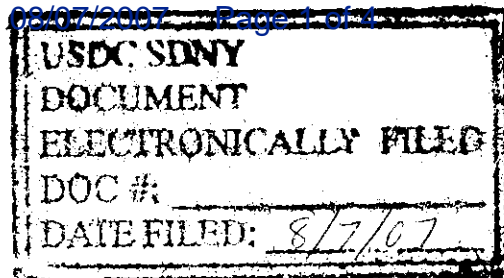


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



----- x
JEFFREY SHAVITZ,

Plaintiff,

-against-

BGA PHARMA, INC.,

Defendant.
----- x

07 Civ. 3331 (MGC) (AJP)

ORDER OF DISMISSAL ON CONSENT

ANDREW J. PECK, United States Magistrate Judge:

The parties having informed the Court that they have reached a settlement agreement in principle and are finalizing settlement documents (see attached letter), IT IS HEREBY ORDERED THAT this action is dismissed with prejudice and without costs, provided, however, that any party may reinstate the action within 10 days hereof if the settlement is not fully effectuated.

SO ORDERED.

DATED: New York, New York
August 7, 2007



Andrew J. Peck
United States Magistrate Judge

Copies by fax & ECF to: Paul Ostensen, Esq.
Steven Glen Mintz, Esq.
Gregg I. Shavitz, Esq.
Katherine Rosenfeld, Esq.
Judge Miriam Goldman Cedarbaum

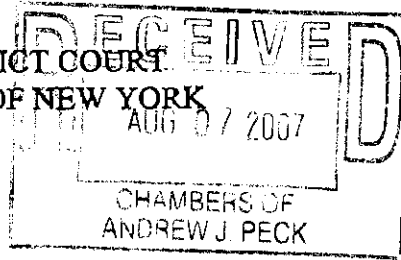
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JEFFREY SHAVITZ,

Plaintiff,

— against —

BGA PHARMA INC.,
Defendant.



07-CIV-3331

NOTICE OF SETTLEMENT

The parties, by and through their undersigned counsel, hereby advise this Court that they have resolved their claims and are in the process of memorializing the settlement agreement and anticipate filing a stipulation of dismissal with prejudice of these claims within 10 days. Accordingly, the parties respectfully request the settlement conference scheduled for August 10, 2007 at 10am before Magistrate Judge Andrew J. Peck be cancelled. To the extent the Court is inclined to dismiss the case at this time, the parties respectfully request the Court permit the matter to be re-opened within 10 business days in the event the parties do not successfully conclude this matter, although it is anticipated that the settlement agreement and settlement funds shall be finalized and paid within one week.

I hereby certify...

Dated: August 7, 2007
City/State: New York, NY

Respectfully submitted,

Paul Ostensen
(PO-2251)
470 Park Avenue South, 10th Floor North
NY, NY 10016-6819

Tel: 212-696-4848
Fax: 212-696-1231
Attorneys for Plaintiff, Jeffrey Shavitz

CERTIFICATE OF SERVICE

I certify that a copy of Plaintiff's First Request For Admissions was served by first class mail on August ____, 2007, on:

Katherine Rosenfeld
(KR 8525)
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Attorney for Defendant, BGA Pharma, Inc.

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SHAVITZ

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FACSIMILE TRANSMITTAL COVER SHEET

TO: Judge Peck

FAX NO.: 212-805-7933

IN RE: Shavitz v. BGA Pharma, Inc

FROM: Gregg I. Shavitz

DATE TRANSMITTED: August 7, 2007

NUMBER OF PAGES: 3 (Including transmittal cover sheet)

Judge Peck,

Please find attached Notice of Settlement

If you do not receive all of the pages, please call back as soon as possible.

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